

TESTIMONY OF DAVID KEELEY
STATE PLANNER, MAINE STATE PLANNING OFFICE

REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT

BEFORE
THE SUBCOMMITTEE ON OCEANS AND FISHERIES
OF THE
SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

MAY 6, 1999

Senator Snowe and members of the Subcommittee on Oceans and Fisheries, I am David Keeley. Thank you for providing me with an opportunity to testify on behalf of the State of Maine. I am the State Planner within the State Planning Office -- the lead agency designated by the Governor over twenty years ago for Maine's Coastal Zone Management Program. I served as the Director of the Maine Coastal Program from 1987 to 1994.

People throughout the world know the State of Maine through our lobsters, our 3,500 miles of coastline and the renown independent Mainer. Fewer people however are aware that although our coastal zone consists of only 12% of the state's land area, it is home to over 60% of our population and over 70% of all employment. These statistics are mirrored in virtually every other coastal state where coastal populations are burgeoning.

We treasure our coastal resources and have the distinction, along with Oregon, of being one of the first states to enact environmental legislation in the early 1970's -- before it was in vogue. At this very time a woman from Auburn, Maine stepped into the spotlight and defeated her opponent Alfred Brodeur in a 2-1 landslide victory for a seat in our State House of Representatives. Representative Snowe served in the State House for two terms and in 1977 became a State Senator. Throughout her State House career she was associated with marine issues of importance to Maine. So it is of no surprise that I sit here before you today. I applaud your leadership in seeking reauthorization of the Coastal Zone Management Act and for your other efforts to strengthen the manner in which our nation wisely manages its coastal and marine resources.

Before I offer some specific reauthorization suggestions let me touch on two things, first to reinforce what

the CZMA is all about and the second is to share Maine's vision for our coastal and marine environment. We just celebrated twenty-years of coastal management through the CZMA. We did this on the very year that the world was celebrating the International Year of the Ocean. In Maine we took stock of what we have done through the CZMA. The incredibly diverse list of resource conservation and development accomplishments is impressive and addresses real-world issues Maine and the other 34 states participating in this national program are dealing with.

Dredging our harbors
Protecting coastal ecosystems
Regulating land use activities
Increasing aquaculture jobs

Managing our beaches
Purchasing public lands
Improving fisheries management
Collaborating in the Gulf of Maine

Providing public access to the shore
Improving coastal water quality
Strengthening local capacity
Training volunteer stewards

Our Legislature has invested millions of dollars each year in these and related activities that we have determined to be vital to our environment and economy. I highlight this because I believe this state commitment of resources, which is happening throughout the nation, often gets overlooked as Congress discusses what the appropriate levels of federal investment are in the CZMA. This Subcommittee is well aware the CZMA is a partnership program and there is no better way to see that partnership at work than when someone is committing financial support. Indeed Maine is providing approximately \$7 dollars for every federal dollar we receive through the CZMA.

My second point has to do with clarity of vision for the future. Our vision for the Maine coast includes clean water and healthy shell fisheries, working waterfronts, retention of marine related jobs and creation of new marine technologies, use of remote sensing for applied research, preserved public access to the shoreline, well planned communities, reduction of properties at risk to coastal hazards and the list goes on. Every coastal state has looked ahead and is preparing to address those issues of greatest importance. In this regard the CZMA is a very important tool to ensure the national interest in these issues is considered and addressed.

CZMA Reauthorization

As you are aware, the Coastal States Organization has prepared a series of amendments to the Administration's proposed reauthorization bill. These amendments represent a collaborative approach by the 35 coastal states to come to consensus as an organization. Maine is supportive of these changes

although on specific provisions we might have a more strident view.

#1. Nonpoint Source Pollution -- Declining water quality due to nonpoint source pollution is a priority for Maine. This is best demonstrated by the level of activity that municipalities and state agencies are engaged in. Our Department of Environmental Protection has reorganized to better address this issue, the legislature has strengthened state construction, agriculture, forestry and water quality statutes, and Maine voters have authorized, by general referendum vote, bond funds for nonpoint source control purposes.

Maine has received conditional approval of our coastal nonpoint source plan but we need additional funding, beyond base funds in the CZMA, to affect change in coastal water quality.

Recommendations -- With regard to the Administration's bill we take exception to the proposed requirement that a percentage of core funds (e.g., Section 306) that support Coastal Program implementation be set aside for NPS purposes. We believe the states, and not a federal agency are in the best position to determine how these core funds should be expended. Yes, it should be an eligible activity. No, the statute should not prescribe the amount.

The Administration's bill also proposes to include state performance on nonpoint source program implementation in the periodic reviews required in Section 312. We believe accountability is important and that it is appropriate to address these issues within an overall Coastal Program evaluation.

#2. Community Planning and Investment -- Maine enacted a locally-based growth management program in 1987 and has developed considerable experience in program management and evaluation. One issue I would bring forward is that our efforts have focused almost exclusively on developing municipal growth management solutions in the form of comprehensive plans, capital investment strategies, and land use ordinances. While this effort is producing fruit we have not adequately addressed associated regional issues where governmental efficiencies are significant and when solutions to natural resource management issues transcend municipal boundaries.

Recommendations -- Substantively the Administration's proposals in Section 310 (Providing for Community-based Solutions for Growth Management and Resource Protection) are thoughtful however a competitive grants delivery mechanism seems unduly complicated. Our experience convinces us that

capacity building at the local and regional level requires years of sustained investment. Consequently a performance-based formula allocation to the states is a more reliable and hence preferable way to proceed. Finally, there is no matching requirement contained in this Section. We believe this is a very important initiative that must be state supported. Consequently we would not be adverse to a matching requirement that in essence doubled the level of resources committed to this effort.

#3. Management Oriented Research and Technical Assistance -- NOAA, as the nation's lead coastal agency, must take a more proactive role in sponsoring management oriented research, in working with other federal agencies to improve the dissemination of those agencies sponsored research and to serve as a single point of entry for state coastal programs seeking to access the coastal and marine expertise of the federal government. I've lost count of the NOAA work groups that I have participated on over the past 15 years that have made incremental and modest changes in this regard. In each of these NOAA has been described as a "dense, impenetrable federal agency with some of the nation's best keep research and management secrets". The Administration has acknowledged this problem and in 1998 put in place a reorganization of the National Ocean Service including the formation of a Science Office. This effort and others just begin to address this issue.

Recommendations -- Through Section 310A of the Administration's CZMA reauthorization proposal seeks to strengthen NOAA's role in research and technical assistance. We applaud that effort but believe the proposed language should be clarified. First, that NOAA will be a sponsor of the research meaning that they may conduct research as well as support the work of others. Second, there is no mention of NOAA providing technical assistance to their state partners on environmental monitoring, data management, resource assessment, to name but a few issues all states are addressing. Third, we would highlight that NOAA funding for the international Gulf of Maine Program was critical at the inception of the program in 1989. It provided us with the initial planning funds which has allowed us to become an international model others are emulating. Consequently we urge that "regional and interstate projects" be given a higher priority within Section 310A. Finally, in the spirit of efficiency in government NOAA should be empowered to coordinate federal agency activities that are within the scope of the CZMA.

#4. Outcome Indicators -- The public is demanding accountability in government. In Maine this has resulted in a performance budgeting initiative that is now codified in state statute. At the state level we

must describe, through our agency strategic plans and budgets, what the taxpayer can expect for the dollars they pay. This same standard should apply to the Coastal Zone Management Act.

Recommendation -- Maine supports the proposal by the Coastal States Organization that would amend the CZMA to establish a common set of measurable outcome indicators that would be used to evaluate the effectiveness of state Coastal Management Programs. It seems appropriate for this concept to be integrated into Section 316 -- Coastal Zone Management Reports.

These measurable results and outcomes should embrace the model contained within the 1972 CZMA that articulated national goals and priorities which the states then responded to in their own way. Each state's coastal conditions are different and require an approach specific to their needs.

#5. Authorizations -- The Coastal Zone Management Act is Congress's plan for managing coastal resources. It was a bold initiative in 1972 when it was enacted and remains so today. However over the past 25 years the scope, complexity and sophistication of the nation's coastal zone management programs has changed dramatically. Flat or modest increases in federal appropriations have not kept pace with these changes placing an ever increasing burden on state legislatures to "make up the difference". In addition I mentioned earlier that state investments in coastal management far exceed federal support lending credible evidence that this is a partnership effort between the states and federal government.

Recommendations -- Maine supports the authorization levels proposed by the Coastal States Organization. In particular, I would highlight the separate line items for Section 306A (resource improvement), 310 (technical assistance), and 315 (Research Reserves). Maine also believes there should be separate funding for nonpoint source pollution control.

As CZMA appropriations increase the level of funding for states like Maine are constrained by a Congressional cap. I would urge this committee to examine this issue to ensure an equitable distribution of funding.

In light of the continued decline of coastal resource quality it is time we became serious and committed the resources necessary to do the job.

Finally, we were stunned to learn that NOAA is proposing to use funding Congress committed to the states to pay for NOAA's overhead and operating costs. This seems highly inappropriate and we hope this Congress will quickly clarify their intent.

Thank you for this opportunity to provide comments. I would be pleased to answer any questions.